

Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

Order recorded under:

CODE OF VIRGINIA
§ 45.1-361.26

BEFORE THE VIRGINIA GAS AND OIL BOARD

RELIEF SOUGHT: An Order for Disbursement of Escrowed Funds ☐
(and Authorization for Direct Payment of Royalties)

JURISDICTION: Code of Virginia § 45.1-351. (et seq) AND § 45.1-361.22 (et seq)

UNIT/WELL NAME: U35

TRACT(S): 3B

LOCATION: BUCHANAN County, Virginia

DOCKET NUMBER: VGOB-03-0916-1191-01

APPLICANTS: CNX Gas Company LLC on behalf of Trustees of the Wilderness Tabernacle Church

HEARING DATE AND LOCATION: Russell County Government Center, Lebanon, Virginia ☐
February 17, 2015 and March 17, 2015

APPEARANCES: Mark A. Swartz on behalf of CNX Gas Company LLC

PRIOR PROCEEDINGS:

1. Original Pooling Order Executed 04/04/2005, Recorded on 04/05/2005, Deed Book/Instrument No. 615, Page 643.
2. Supplemental Order, Recorded on 03/27/2008, Deed Book/Instrument No. 080001177.

NOTICE:

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the February 17, 2015 hearing and was continued to March 17, 2015 where the Board considered whether to:

- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract(s) 3B identified in the attached petition.

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(2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 3B relative to the interests of the Applicants identified in the attached petition.

(3) Close the escrow account under this docket number.

FINDINGS: Code of Virginia § 45.1-361.22

Applicant has certified and represented to the Board that:

Trustees of the Wilderness Tabernacle Church is entitled to 100% of the CBM royalties granted under Case No. CL 12-174, Final Order entered on November 13, 2014. The Annexed Table, specifies how said royalties are to be paid.

RELIEF GRANTED:

VGOB Disbursement
Unit U35

VG0B-03-0916-1191-01

Table 1

Tracts: 3B

Item	Tract	Disbursement Table							
		Total acreage in escrow before disbursement						0.01000	
3B Tract 3B (total acreage)									
1	3B	Trustees of the Wilderness Tabernacle Church\4656 Osborne Mountain Rd., Raven VA 24639			0.0100	100.00%		0.0100	100.0000%

1. The Escrow Agent is ordered, to within ten (10) days of receipt of this executed order, disburse funds for the unit and applicants detailed in Table 1.

2. The Escrow Agent is ordered to close the Escrow Account for the Subject Drilling unit based on the attached Revised Exhibit E which replaces all prior Exhibit E's recorded for the Subject Drilling Unit.

CONCLUSION:

Therefore, the requested relief and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

APPEALS:

Appeals of this Order are governed by the provisions of the Code of Virginia § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

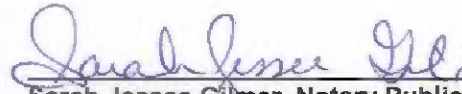
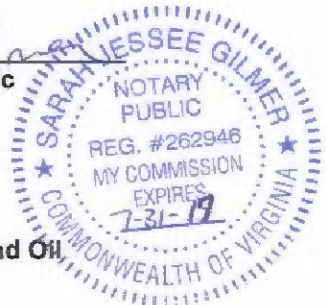
DONE AND EXECUTED this 20 day of March, 2015 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 20th day of March, 2015, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


 Sarah Jessee Gilmer, Notary Public
262946


My Commission expires: July 31, 2017

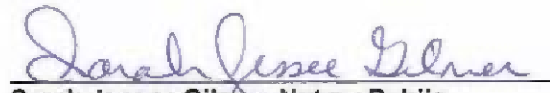
DONE AND PERFORMED this 23 day of March, 2015 by Order of the Virginia Gas and Oil Board.



Rick Cooper
Principal Executive to the
staff, Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 23rd day of March, 2015, personally before me a notary public in and for the Commonwealth of Virginia, appeared Rick Cooper, being duly sworn did depose and say that he is the Principal Executive to the staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


 Sarah Jessee Gilmer, Notary Public
262946


My Commission expires: July 31, 2017

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 03-0916-1191-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM
 ESCROW REGARDING TRACT(S) 3B
 (2) AND AUTHORIZATION FOR DIRECT
 PAYMENT OF ROYALTIES

HEARING DATE: February 17, 2015

DRILLING UNIT: U35

BUCHANAN COUNTY, VIRGINIA

PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS

1. Petitioner and its counsel

Petitioner is CNX Gas Company LLC, 2481 John Nash Blvd, Bluefield, WV 24701, (304)323-6500. Petitioner's counsel is Mark A. Swartz, Swartz Law Offices, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808..

2. Relief Sought

(1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent attributable to Tract 3B as depicted upon the annexed Table. (Royalties currently being paid under BUC1SGU2, VGOB 08-1118-2367).

3. Legal Authority

Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

4. Type of Well(s)

Coalbed Methane

5. Factual basis for relief requested

Trustees of the Wilderness Tabernacle Church is entitled to 100% of the CBM royalties granted under Case No. CL 12-174, Final Order entered on November 13, 2014. The Annexed Table, specifies how said royalties are to be paid.

6. Attestation

The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED
BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

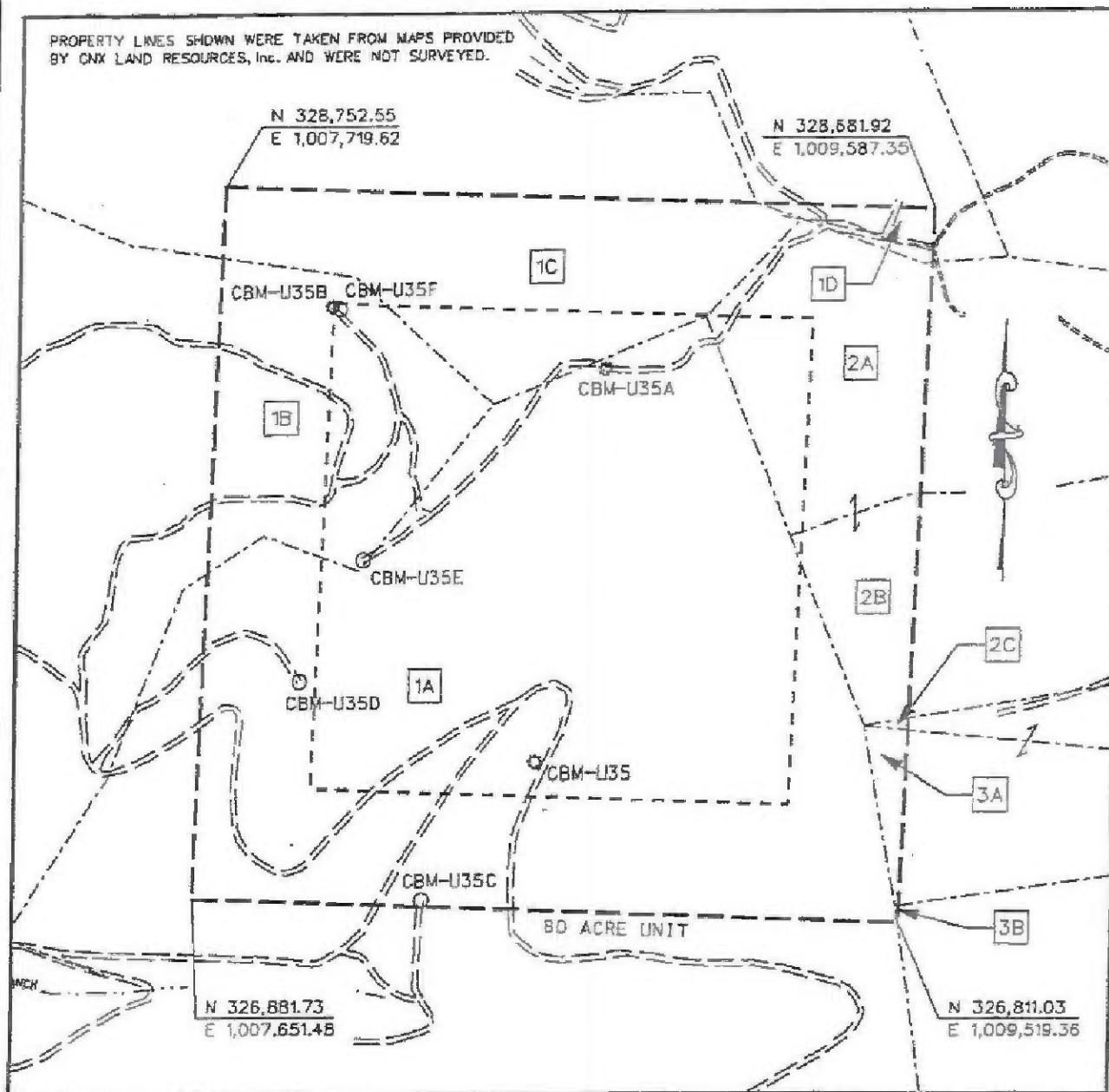
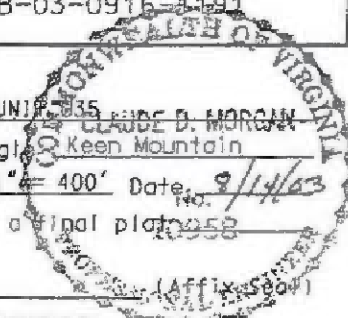


EXHIBIT A
DAKWOOD FIELD UNIT U-35
FORCE POOLING
VGDB-03-0916-41-91

Company CNX Gas Company LLC Well Name and Number UNIT U-35
Tract No. _____ Elevation _____ Quadrangle CLAUDE D. MORGAN
County Buchanan District Garden Scale: 1" = 400' Date: 9/14/03
This plat is a new plat X : an updated plat _____ : or a final plat _____

Form DGO-GO-7
Rev. 9/91

Charles D. May
Licensed Professional Engineer or Licensed Land Surveyor



CNX Gas Company LLC**UNIT U-35****Tract Identification**

- 1. H.S.T. Group, LC - All Minerals
Island Creek Coal Co./Consolidation Coal Co. - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corp. - Tiller and Above Coal Leased
CNX Gas Company LLC - CBM Leased
68.54 acres 85.6750%
- 1A. CNX Gas Company LLC - Surface
- 1B. H.S.T. Group, LC - Surface
- 1C. Consolidation Coal Company - Surface
- 1D. CNX Gas Company LLC - Surface
- 2. New Garden Coal Company - All Minerals
Consolidation Coal Company - Below Drainage Coal Leased
A. T. Massey - Above Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas and CBM Leased
10.83 acres 13.5375%
- 2A. Consolidation Coal Company - Surface
- 2B. Consolidation Coal Company - Surface
- 2C. CNX Gas Company LLC - Surface
- 3A. Hurt - McGuire Land Trust (62 Acre Tract) - Coal
CNX Gas Company LLC - Coal Below Tiller Seam Leased
A. T. Massey - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
CNX Gas Company LLC - Surface and All Minerals except Coal
0.62 acres 0.7750%
- 3B. Hurt - McGuire Land Trust (62 Acre Tract) - Coal
CNX Gas Company LLC - Coal Below Tiller Seam Leased
A. T. Massey - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Wilderness Tabernacle Church Trustees - Surface and All Minerals except Coal
0.01 acres 0.0125%

June 16, 2003

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Exhibit E

Unit U-35

Docket #VGOB 03-0916-1191-01

List of Conflicting Owners/Claimants that require escrow

Division of Interest in	
5-Right	6-Right
15.69343%	10.34483%

Percent of
Unit

Acres in Unit

All Conflicts Resolved

List of Conflicting Owners/Claimants with Royalty Split Agreements or Court Decisions

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			5-Right 15.69343%	6-Right 10.34483%	
<u>Tract #3A, 0.62 acres</u>					
<u>COAL OWNERSHIP</u>					
(1) Hurt McGuire Land Trust c/o Charles Green P. O. Box 1067 Bluefield, VA 24805	0.62 acres	0.77500%	0.12162%	0.08017%	n/a
<u>OIL & GAS OWNERSHIP</u>					
(1) CNX Gas Company, LLC 2481 John Nash Blvd. Bluefield, WV 24701	0.62 acres	0.77500%	0.12162%	0.08017%	n/a
<u>Tract #3B, 0.01 acres</u>					
<u>COAL OWNERSHIP</u>					
(1) Hurt McGuire Land Trust c/o Charles Green P. O. Box 1067 Bluefield, VA 24805	0.01 acres	0.01250%	0.00196%	0.00129%	n/a
<u>OIL & GAS OWNERSHIP</u>					
(1) Trustees of the Wilderness Tabernacle Church 4656 Osborne Mountain Rd. Raven, VA 24639	0.01 acres	0.01250%	0.00196%	0.00129%	100.0000%
<i>Prevailing plaintiff under Case No. CL 12-174 Awarded 100% of the CBM royalty.</i>					

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF BUCHANAN

RAYMOND DAVIS, et al,

Plaintiffs,

v.

Case No. CL 12 - 174

**HURT-MCGUIRE HEIRS LAND TRUST,
BY ITS TRUSTEE CHARLES GREEN,**

Defendants.

FINAL ORDER GRANTING JUDGMENT FOR PLAINTIFF

Upon the joint motion of Plaintiffs, Raymond Davis, Jessee Davis, Jeffrey Davis, and Melinda Davis, in their capacity as Trustees of the Wilderness Tabernacle Church, and Defendant, Hurt-McGuire Heirs Land Trust, for entry of judgment in favor of Plaintiff upon the issue that it is the owner of the coal-bed methane gas at issue in this action and it is thereby entitled to all royalties relating to the production thereof, it is, therefore,

ADJUDGED, ORDERED and DECREED that Plaintiffs, Raymond Davis, et al, are the owners of the coal-bed methane gas at issue in this action and are entitled to all royalties relating to the extraction of coal-bed methane gas by CNX Gas, LLC.

All other claims asserted by either of the remaining parties against the other are denied, any motions pending before the Court are denied as moot, and this action is dismissed with prejudice to the Plaintiff and Defendant, Hurt-McGuire, as to any such other claims.

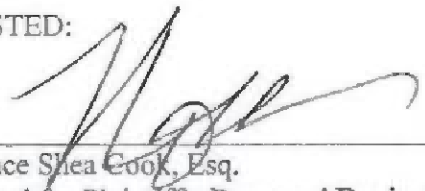
The Clerk is directed to forward an attested copy of this Final Order to all counsel of record, to remove this matter from the active docket of this Court and to place the same among the ended actions before this Court.

ENTER: This the 13th day November, 2014.

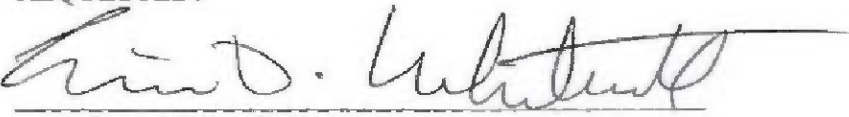
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PATRICK R. JOHNSON
~~KEARY R. WILLIAMS JUDGE~~

REQUESTED:


Terence Shea Cook, Esq.
Counsel for Plaintiffs, Raymond Davis, Jessee Davis,
Jeffrey Davis, and Melinda Davis, in their capacity as
Trustees of the Wilderness Tabernacle Church,

REQUESTED:


Eric D. Whitesell, Esq.
Of Counsel for Defendant,
Hurt-McGuire Heirs Land Trust

A Copy
Testa: Beverly S. Tiller, Clerk
Circuit Court of Buchanan
County, Virginia


Deputy Clerk

150000537

POWER OF ATTORNEY
of
RAYMOND DAVIS

I, Raymond Davis, a resident of Raven, Virginia (Grantor and Grantee for the purpose of indexing in the event this power of attorney is recorded) make this Power of Attorney appointing T. SHEA COOK my true and lawful attorney-in-fact. THIS POWER OF ATTORNEY IS LIMITED TO THE FOLLOWING

1. To receive the escrow royalty check from the VGOB;
2. To compare what is obtained versus production record;
3. Deposit the same into the trust account of T. Shea Cook P.C. and distribute the proceeds according to fee agreement.

This Power of attorney shall be Limited in nature.

WITNESS the following signature and seal:

Raymond Davis (SEAL)
RAYMOND DAVIS

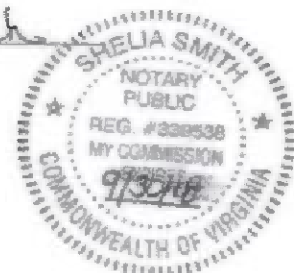
D/O/B: 8-11-41

STATE OF VIRGINIA
COUNTY OF Tazewell To wit:

The foregoing instrument was acknowledged before me the 2nd day of December, 2014 by Raymond Davis.

My commission expires 9/30/18

Sheila Smith
Notary Public



150000537

POWER OF ATTORNEY
of


JEFFERY DAVIS

I, Jeffery Davis, a resident of Raven, Virginia (Grantor and Grantee for the purpose of indexing in the event this power of attorney is recorded) make this Power of Attorney appointing T. SHEA COOK my true and lawful attorney-in-fact. THIS POWER OF ATTORNEY IS LIMITED TO THE FOLLOWING

1. To receive the escrow royalty check from the VGOB;
2. To compare what is obtained versus production record;
3. Deposit the same into the trust account of T. Shea Cook P.C. and distribute the proceeds according to fee agreement.

This Power of attorney shall be Limited in nature.

WITNESS the following signature and seal:

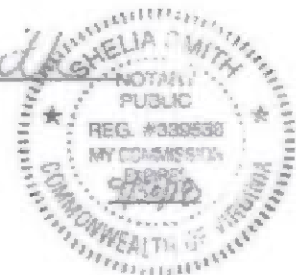
 (SEAL)
JEFFERY DAVIS
D/O/B: 8-5-69

STATE OF VIRGINIA
COUNTY OF Tazewell To wit:

The foregoing instrument was acknowledged before me the 24th day of November, 2014 by Jeffery Davis.

My commission expires 9/30/18


Notary Public



150000537

POWER OF ATTORNEY
of

JESSEE DAVIS

I, Jesse Davis, a resident of Raven, Virginia (Grantor and Grantee for the purpose of indexing in the event this power of attorney is recorded) make this Power of Attorney appointing T. SHEA COOK my true and lawful attorney-in-fact. THIS POWER OF ATTORNEY IS LIMITED TO THE FOLLOWING

1. To receive the escrow royalty check from the VGOB;
2. To compare what is obtained versus production record;
3. Deposit the same into the trust account of T. Shea Cook P.C. and distribute the proceeds according to fee agreement.

This Power of attorney shall be Limited in nature.

WITNESS the following signature and seal:

Jesse Davis (SEAL)
JESSEE DAVIS

D/O/B: 7-29-1944

STATE OF VIRGINIA
COUNTY OF Tazewell To wit:

The foregoing instrument was acknowledged before me the 22 day of November, 2014 by Jesse Davis.

My commission expires 6-30-16

Carolyn Sue Horton
Notary Public



150000537

POWER OF ATTORNEY
of

MELINDA DAVIS

I, Melinda Davis, a resident of Raven, Virginia (Grantor and Grantee for the purpose of indexing in the event this power of attorney is recorded) make this Power of Attorney appointing T. SHEA COOK my true and lawful attorney-in-fact. THIS POWER OF ATTORNEY IS LIMITED TO THE FOLLOWING

1. To receive the escrow royalty check from the VGOB;
2. To compare what is obtained versus production record;
3. Deposit the same into the trust account of T. Shea Cook P.C. and distribute the proceeds according to fee agreement.

This Power of attorney shall be Limited in nature.

WITNESS the following signature and seal:

Melinda Davis (SEAL)
MELINDA DAVIS

D/O/B: 5/20/66

STATE OF VIRGINIA
COUNTY OF Tazewell To wit:

The foregoing instrument was acknowledged before me the 22 day of November, 2014 by Melinda Davis.

Carol Foster
Notary Public

My commission expires 6-30-16



5

*Acuago
Hidalgo*

INSTRUMENT #150000537
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
APRIL 6, 2015 AT 02:25PM

BEVERLY S. TILLER, CLERK
RECORDED BY: GGB